



**NIACRO'S RESPONSE TO THE MINISTRY
OF JUSTICE CONSULTATION ON THE
KNOWING OR RECKLESS MISUSE OF
PERSONAL DATA**

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1. INTRODUCTION

- 1.1 NIACRO, the Northern Ireland Association for the Care and Resettlement of Offenders, is a voluntary organisation, working for almost 40 years to reduce crime and its impact on people and communities. NIACRO provides services under the headings of; working with children and young people who offend; providing services to families and children of offenders; supporting offenders and ex-prisoners in the community and working with prisoners.
- 1.2 NIACRO receives funding from, and works in partnership with all the main criminal justice agencies in Northern Ireland
- 1.3 We welcome the opportunity to respond to the DOE consultation document: "The Knowing or Reckless Misuse of Personal Data".

2. NIACRO Comments

- 2.1 NIACRO believes that custodial sentencing should only be used where the offences are either sufficiently serious or when the pattern of offending is significant. The consequences of custody on prisoners and their families requires significant intervention in order to re-establish supports which are aimed at reducing the risk of re-offending in the future.
- 2.2 NIACRO acknowledges the need to build public confidence in how our personal information is stored and shared and would consider more cost effective penalties, for the misuse of personal data, to include fines, community disposals and suspended sentences. This is of particular significance in Northern Ireland considering the cost of keeping someone in prison for one year amounts to £81,340.
(Source: Northern Ireland Prison Service Annual Report 2008 – 2009)
- 2.3 Issuing financial penalties through the courts may be a more cost effective benefit to both the tax payer and criminal justice system. NIACRO suggests that a graduated financial penalty system be applied to businesses who misuse the personal information of employees or clients. In such circumstances we believe that severe financial penalties coupled with the imposition of community sentences will be as effective.
- 2.4 NIACRO agrees that the Information Commissioners Office (ICO) should be granted enhanced powers of enforcement. NIACRO recommend that such powers should include ICO issued graduated fixed penalties depending on the severity of the breaches committed. NIACRO would also recommend that increased public awareness campaigns highlighting ICO powers of enforcement would also prove to be a more effective deterrent.

3. CONCLUSION

- 3.1 Whilst not responding to all questions raised within the consultation, NIACRO hopes our key principles and points are a useful contribution to this debate. We also welcome further engagement to elaborate on the points we have made.